

Patentee:	Kenneth L. Brinkley	Attorney Docket No.
Patent No.	5,566,486	
Issued:	October 22, 1996	
For:	FIREARM MONITORING DEVICE	

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.27(a)) – INDIVIDUAL**

I hereby declare that I am an individual acting on my own behalf.

I hereby declare that I qualify as a small entity as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of title 35, United States Code.

I hereby declare that rights under contract or law with regard to the invention, entitled , remain with me as the undersigned inventor described in:

- ☒ The specification filed herewith
☐ Application Serial No. _____, filed _____

If the rights held by the above-identified individual are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME _____
ADDRESS _____

☒ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 CFR 1.28(b)).

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that all statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is detected.

NAME OF PERSON SIGNING Kenneth L. Brinkley
ADDRESS OF PERSON SIGNING 180 Barnwood Drive
Edgewood, KY 41017

SIGNATURE *K L Brinkley* DATE 10-22-98

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**REISSUE DECLARATION AND
POWER OF ATTORNEY BY THE INVENTOR**

As below named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name.

I believe that I am the original and first inventor of the subject matter which is described and claimed in patent number 5,566,486, granted October 22, 1996, and for which a reissue patent is sought on the invention entitled Firearm Monitoring Device, the specification and Preliminary Amendment of which

(check one) ☒ is attached hereto.

☐ Was filed on _____ as Application
Serial No. _____ and was amended
on _____.
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

- ☐ by reason of a defective specification or drawing.
☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.
☒ by reason of other errors.

The errors upon which reissue is based are described as follows:

1) DEFECT: Applicant failed to claim as much as he had a right to claim in claims 1 and 14.

HOW THE DEFECTS AROSE: These defects arose by not fully recognizing the scope of the limitations of the claims as originally filed.

WHEN THE DEFECTS AROSE: These defects arose in part during drafting the claims which became issued claims 1 and 14, and in part during the prosecution of the original patent application.

HOW THE DEFECTS WERE DISCOVERED: These defects were discovered as the result of on going discussions with the inventor regarding additional improvements to the invention (such improvements do not form any part of the original patent or this reissue application).

WHEN THE DEFECTS WERE DISCOVERED: The defects were first suspected as of May, 1997. Additional general reviews of the patent and prior art were subsequently undertaken. These reviews confirmed that the claims were narrower than necessary, although the exact nature and extent of the defects were not known or fully appreciated until the preparation of this reissue application.

2) DEFECT: Applicant failed to claim as much as he had a right to claim, as is now covered by new claims 22-31.

HOW THE DEFECT AROSE: This defect arose by not fully recognizing the scope of the limitations of the claims as originally filed.

WHEN THE DEFECT AROSE: This defect arose in part during drafting of the claims of the original application, and in part during the prosecution of the original patent application.

HOW THE DEFECTS WERE DISCOVERED: These defects were discovered as the result of on going discussions with the inventor regarding additional improvements to the invention (such improvements do not form any part of the original patent or this reissue application).

WHEN THE DEFECTS WERE DISCOVERED: The defects were first suspected as of May, 1997. Additional general reviews of the patent and prior art were subsequently undertaken. These reviews confirmed that the claims were narrower than necessary, although the exact nature and extent of the defects were not known or fully appreciated until the preparation of this reissue application.

3) DEFECTS: The lack of antecedent basis for certain terms in claims 7, 8, 9, 10, 11, 13, 16, 17, 18, 19, 20 and 21, and various typographical, punctuation and/or grammatical errors evident from the Preliminary Amendment.

HOW THE DEFECTS AROSE: The lack of antecedent basis errors arose due to the amendment of claims 1 and 14 in this reissue. The typographical, punctuation and/or grammatical errors arose through inadvertence during the preparation and prosecution of the original application.

WHEN THE DEFECTS AROSE: The lack of antecedent basis errors arose during the preparation of this reissue application. The typographical, punctuation and/or grammatical errors arose during drafting of the claims of the original application.

HOW THE DEFECTS WERE DISCOVERED: These defects were discovered by reviewing these claims after the amendment of claims 1 and 14 were prepared.

WHEN THE DEFECTS WERE DISCOVERED: These defects were discovered during the preparation of this reissue application.

4) DEFECT: Grammatical corrections to claims 5 and 15, evident from the Preliminary Amendment.

HOW THE DEFECTS AROSE: The defects arose through inadvertence during the preparation and prosecution of the original application.

WHEN THE DEFECTS AROSE: The defects arose during the preparation of this reissue application.

HOW THE DEFECT WAS DISCOVERED: These defects were discovered by reviewing these claims during preparation of this reissue application.

WHEN THE DEFECT WAS DISCOVERED: These defects were discovered during the preparation of this reissue application.

5) DEFECTS: The original title does not completely reflect the scope of the claims as added in this reissue.

HOW THE DEFECT AROSE: The defect arose due to the amendment and addition of claims in this reissue.

WHEN THE DEFECT AROSE: The defect arose during the preparation of this reissue application.

HOW THE DEFECT WAS DISCOVERED: The defect was discovered by reviewing the patent during the preparation of this reissue application.

WHEN THE DEFECT WAS DISCOVERED: The defect was discovered during the preparation of this reissue application.

6) DEFECTS: Various typographical, punctuation and/or grammatical errors in the specification, evident from the Preliminary Amendment.

HOW THE DEFECTS AROSE: The typographical, punctuation and/or grammatical errors arose through inadvertence during the preparation and prosecution of the original application.

WHEN THE DEFECTS AROSE: The typographical, punctuation and/or grammatical errors arose during drafting of the specification of the original application.

HOW THE DEFECTS WERE DISCOVERED: These defects were discovered by reviewing the patent during the preparation of this reissue application.

WHEN THE DEFECTS WERE DISCOVERED: These defects were discovered during the preparation of this reissue application.

7) DEFECTS: Figure 2 does not contain the reference numeral "30".

HOW THE DEFECT AROSE: The defect arose through inadvertence during the preparation of the drawings as originally filed. The defect was duplicated in the formal drawings.

WHEN THE DEFECT AROSE: The defect arose when the original drawings were prepared.

HOW THE DEFECTS WERE DISCOVERED: These defects were discovered by reviewing the patent during the preparation of this reissue application.

WHEN THE DEFECTS WERE DISCOVERED: These defects were discovered during the preparation of this reissue application.

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicants.

I hereby appoint Edwin R. Acheson, Jr., Registration No. 31,808; Gibson R. Yungblut, Registration No. 20,581; David E. Schmit, Registration No. 28,472; Ann G. Robinson, Registration No. 39,820; Steven J. Goldstein, Registration No. 28,079; Rustan J. Hill, Registration No. 37,351; Kevin S. Sprecher, Registration No. P-42,165, and Sean P. Hodge, Registration No. P-41,842; c/o Frost & Jacobs LLP, 2500 PNC Center, 201 East Fifth Street, Cincinnati, Ohio 45202 (513) 651-6800 my attorneys, with full power in each of them, of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of inventor: Kenneth L. Brinkley

Inventor's Signature Kenneth L. Brinkley 10-22-98
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